

COURT OF APPEAL OF STATE OF CALIFORNIA  
FOURTH APPELLATE DISTRICT  
DIVISION ONE

November 27, 2000

**D036764        People v. Wooten**

The appeal in this matter challenges solely the validity of a plea or admission. Appellant's request for certificate of probable cause having been denied and no appealable issues having been raised in compliance with California Rules of Court, rule 31(d), the appeal is dismissed.

**D034129        People v. Pisa**

The petition for rehearing is denied.

**D034893        Apartment Opportunity Fund II, L.P. v. New Dawn Equities, Inc.**

The judgment is affirmed. AOF is to recover costs on appeal. Nares, Acting P.J.;  
We Concur: McDonald, J., O'Rourke, J.

**D034991        Mercury Books, Inc. v. G & B Emporia, Inc. et al.,**

The petition for rehearing is denied.

Court convened at 1:30 p.m.

Present: The Honorable Daniel Kremer, Presiding Justice, and The Honorable Associate Justices  
Richard Huffman and Judith Haller  
Deputy Clerk: D. E. Moore

**D035193        In re Adrian B, et al., Juveniles**

Cause called on merits. Patti Dikes, Esq. argued for appellant, minor. Linda Fabian, Esq. argued for appellant. M. Elizabeth Handy, Esq. argued for appellant. Gary Seiser, Deputy County Counsel argued for respondent. Suzanne Evans, Esq. argued for Osvaldo. Ms. Dikes replied. Cause submitted.

Court adjourned at 2:30 p.m.

**D036291        Estate of Denton/Leblanc v. Denton**

Upon written stipulation filed by the parties to the appeal, the appeal is DISMISSED and the remittitur is ordered to issue immediately (Cal. Rules of Court, rule 19(b)). Each party to bear own costs on appeal.

**D033288        People v. Strong**

**D034308        In re Strong on Habeas Corpus**

The petition for rehearing is denied.

COURT OF APPEAL OF STATE OF CALIFORNIA  
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DIVISION ONE

November 28, 2000

**D036720        Brimley et al. v. Lubitz**

Pursuant to California Rules of Court, rule 10(c), the appeal filed October 25, 2000 is dismissed for appellant's failure to timely designate the record (Cal. Rules of Court, rules 4(a) and 5(a)).

**D036309        Metropolitan News Company v. Superior Court of Los Angeles/Daily Journal Corp.  
et al.**

The petition is denied.

**D036399        In re Lopez on Habeas Corpus**

The petition is denied.

**D036750        Harris v. Harris**

The request to stay the visit scheduled for December 26 through December 31, 2000, is denied except that the minor must be accompanied by one of the claimants during all travel. In all other respects the petition is denied.

**D033707        People v. Madsen**

The judgment is reversed and the matter is remanded for further proceedings consistent with this opinion. McDonald, J.; We Concur: Kremer, P.J., Benke, J.

**D034703        Foxworth v. KUSI-TV et al.**

The judgment is affirmed. KUSI shall recover costs on appeal. Huffman, J.; We Concur: Kremer, P.J., Haller, J.

**D035343        People v. Kunz**

The judgment is affirmed. O'Rourke, J.; We Concur: Kremer, P.J., Huffman, J.

**D036595        Hamilton v. San Diego County Superior Court/People**

The petition is dismissed without prejudice to refiling following action by the superior court.

**D034072        Haines v. San Diego Police Department et al.**

The petition for rehearing is denied.

**D035459        In re Manuel R., a Juvenile**

The judgment is affirmed. Benke, J.; We Concur: Kremer, P.J., Work, J.

**D033550        Nelson v. Regents of the University of California**

The judgment is reversed. The trial court is directed to decide Nelson's petition for writ of administrative mandamus prior to deciding the Regent's summary judgment motion. Each party is to bear its own costs on appeal. O'Rourke, J.; We Concur: Work, Acting P.J., McIntyre, J.

COURT OF APPEAL OF STATE OF CALIFORNIA  
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November 28, 2000

D036666      In re Javier Mendoza E., a Juvenile

The attorney for petitioner Javier Mendoza J. has notified the court on behalf of the petitioner that a Petition for Writ of Mandate under Rule 39.1B will not be filed as there are no viable issues for writ review. The case is dismissed.

D034754      Burstein v. City of San Diego

Upon written stipulation filed by the parties to the appeal, the appeal is dismissed and the remittitur is ordered to issue immediately (Cal Rule of Court, rule 19(b)). Each party to bear own costs on appeal.

**D034031      People v. Madsen**

The petition for rehearing is denied.

COURT OF APPEAL OF STATE OF CALIFORNIA  
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November 29, 2000

**D034925        Sheppard v. Godfrey**

The judgment is affirmed. Nares, J.; We Concur: Benke, Acting P.J., McDonald, J.

**D034470        People v. Mejia**

The judgment is affirmed. Work, Acting P.J.; We Concur: Huffman, J., O'Rourke, J.

**D036877        Bitina J. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency.**

The petition is denied.

**D034288        People v. Lopez**

The order denying the motion to expunge is affirmed. Work, J.; We Concur: Kremer, P.J., O'Rourke, J.

**D034987        Scarecrow Farms, LLC v. Phoenixcor, Inc.**

The attorney fee award to Phoenixcor is reversed. The order awarding costs is otherwise affirmed. Scarecrow shall recover its costs on appeal. O'Rourke, J.; We Concur: Work, Acting P.J., McIntyre, J.

**D033897        People v. Burgess**

**D036185        In re Burgess on Habeas Corpus**

The pending petition for writ of habeas corpus is consolidated with the pending appeal for disposition.

**D033897        People v. Burgess**

**D036185        In re Burgess on Habeas Corpus**

The judgment is affirmed. The petition for writ of habeas corpus is denied. Work, Acting P.J.; We Concur: McIntyre, J., O'Rourke, J.

**D036506        People v. Preyer**

The judgment is modified to reflect presentence credits of 555 days. The superior court is directed to amend the abstract of judgment to reflect the modification and to forward an amended abstract to the Department of Corrections. In all other respects the judgment is affirmed. Huffman, J.; We Concur: Benke, Acting P.J., Haller, J.

**D036540        In re Sidney B., a Juvenile**

The appeal is dismissed. Haller, J.; We Concur: Huffman, Acting P.J., Nares, J.

**D036748        Aguila et al. v. Superior Court of San Diego County/Armenta**

The petition is denied.

**D034849        Ibrahim v. County of San Diego et al.**

The judgments entered in favor of the State, the County and Escondido are affirmed. The appeal from the order transferring venue is dismissed. Nares, J.; We Concur: Benke, Acting P.J., McDonald, J.

COURT OF APPEAL OF STATE OF CALIFORNIA  
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DIVISION ONE

November 29, 2000 (Continued)

**D033562        People v. Macedo**

The stay previously entered on June 2, 2000 is dissolved and the appeal is dismissed as moot.  
Huffman, J. We Concur: Benke, Acting P.J., O'Rourke, J.

**D036146        North County Times et al. v. Workers' Compensation Appeals Board and Bickford**

The petition is denied.

**D036056        In re Lucero on Habeas Corpus**

The petition is denied.

**D033632        Burdick v. Fraden**

The judgment is affirmed. Huffman, J., We Concur: Kremer, P.J., Haller, J.

COURT OF APPEAL OF STATE OF CALIFORNIA  
FOURTH APPELLATE DISTRICT  
DIVISION ONE

November 30, 2000

**D036316        Sarkhoosh et al. v. Kelly's Enterprises, Inc.**

Pursuant to California Rules of Court, rule 10(c), the appeal filed August 28, 2000 is dismissed for failure of appellant to timely deposit costs for preparing the record on appeal (Cal. Rules of Court, rules 4(c) and 5(c)).

**D034753        Franklin, Jr. v. Anthony A. Charlton, Inc. et al.**

The order denying Franklin's special motion to strike is affirmed, and the appeal from the award of sanctions is dismissed. Sanctions are imposed against counsel for Franklin in the amount of the reasonable attorney fees and costs incurred by Charlton on this appeal. This matter is remanded to the trial court for a determination of the amount of attorney fees and costs to be awarded to Charlton.

Nares, J.; We Concur: Benke, Acting P.J., McDonald, J.

**D035729        In re Jasper on Habeas Corpus**

The petition is denied. Benke, J.; We Concur: Kremer, P.J., Nares, J.

**D036575        In re Ashley H., a Juvenile**

The attorneys for petitioner Shelly H. and petitioner Richard S. have notified the court on behalf of the petitioners that no Petition for Writ Mandate under Rule 39.1B will be filed as to either petitioner since there are no viable issues for writ review. The cases are dismissed.

**D036181        Tammy Y. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency**

The petition is denied. Haller, J. We Concur: Huffman, Acting P.J., Nares, J.

**D036671        In re Michael B. et al., Juveniles**

The attorneys for petitioner Alicia B. and petitioner James B. have notified the court on behalf of the petitioners that no Petition for Writ of Mandate under Rule 39.1B will be filed as to either petitioner since there are no viable issues for writ review. The cases are dismissed.

**D030582        People v. Jasper**

The judgment is affirmed. Benke, J., We Concur: Kremer, P.J., Nares, J.

**D035231        People v. Cuevas**

The judgment is affirmed. Haller, J., We Concur: Huffman, Acting P.J., Nares, J.

**D034812        People v. Johnson**

Judgment affirmed. O'Rourke, J., We Concur: Kremer, P.J., Huffman, J.

COURT OF APPEAL OF STATE OF CALIFORNIA  
FOURTH APPELLATE DISTRICT  
DIVISION ONE

December 1, 2000

**D033973        People v. Thomas**

The judgment is affirmed. Benke, Acting P.J.; We Concur: Nares, J., McDonald, J.

**D034193        People v. Nevares**

The judgment is affirmed. O'Rourke, J.; We Concur: Nares, Acting P.J., Haller, J.

**D034033        People v. Pratl**

The judgment is affirmed. O'Rourke, J.; We Concur: Nares, Acting P.J., Haller, J.

**D034502        In re Blake V., a Juvenile**

The juvenile court's judgment is affirmed. O'Rourke, J., We Concur: Kremer, P.J., Huffman, J.

**D036439        People v. Gity**

The judgment is affirmed. Work, J.; We Concur: Kremer, P.J., O'Rourke, J.

**D035878        In re Robert S., a Juvenile**

Judgment affirmed. Kremer, P.J.; We Concur: Huffman, J., O'Rourke, J.

**D034587        Schooler v. The State of California**

The judgment is affirmed. The State shall have costs on appeal. Work, Acting P.J.;  
We Concur: Huffman, J., McIntyre, J.

**D036602        Seymour v. Toyota Motor Sales, U.S.A., INC.,**

The appeal is DISMISSED as untimely filed.

**D036891        People v. Jaime**

The appeal in this matter challenges solely the validity of a plea or admission. Appellant's request for certificate of probable cause having been denied and no appealable issues having been raised in compliance with California Rules of Court, rule 31(d), the appeal is DISMISSED.

**D033495        People v. Johnson**

The judgment is affirmed. McIntyre, J., We Concur: Nares, Acting P.J., O'Rourke, J.

**D034951        In re the Marriage of Plaskon and Von Ark**

The orders are affirmed. Wife shall have costs and reasonable attorney fees on appeal. Work, J.  
We Concur: Kremer, P.J., McIntyre, J.

**D035557        People v. Alcala**

Upon filing an abandonment of appeal the appeal is dismissed.